IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2454 OF 2004

Nasik Diocesan Council & Ors. .. Petitioners

Versus

Mr.Arun John Chaudhary & Ors. .. Respondents

Mr.V.A.Gangal, Advocate for petitioner

Mr.Amin Solkar for respondent Nos. 1 to 4

Mr.R.L.Mazgaonkar for respondent Nos.6, 7, 10 to 14 and 17.

CORAM : S.C.DHARMADHIKARI, J

DATE : 22nd August 2005.

P.C.

. Heard Mr.Gangal, Advocate appearing for

petitioner, Mr.Solkar, learned A.G.P. appearing for respondent Nos. 1 to 4 and Mr.Mazgaonkar, learned Counsel appearing for respondent Nos.6, 7, 10 to 14 and 17. Mr.Gangal states that rest of the respondents are served. In any event, in the light of the directions that I propose to issue, no prejudice will be caused to respondents who are not present before me.

2. Mr.Gangal invites my attention to the order passed by Joint Charity Commissioner appointing Election Officer to conduct election of the Board of Trustees of respondent No.6 Trust. According to him, this order is confirmed inasmuch as writ petition challenging the same has been dismissed by this Court by an order passed on 8th December 2003. Grievance of Mr.Gangal in this petition is that the Election Officer appointed by the Joint Charity Commissioner has not taken steps to hold election. There are communications on record

appraising him of the order passed by the Joint Charity Commissioner, which is confirmed by this Court. Instead an ad hoc committee has been appointed vide resolution passed on 27th June 2004 for a period of two years. In his submission, the ad hocism as prevailing is not in the interest of the Trust and it is desirable that elections are held expeditiously.

3. Although, this request is not opposed very seriously by respondent No.6 Trust and other ad hoc Trustees, it is contended that the term of ad hoc committee has not expired.

4. In my view, since the Joint Charity Commissioner had passed an order on 2nd May 2003, appointing Election Officer for holding elections of the Board of Trustees and that order is not complied with as yet, it would be appropriate that petitioners approach Joint Charity Commissioner for appropriate directions including

replacing Election Officer and on such application being made, Joint Charity Commissioner shall after issuing notice to the affected parties and hearing their submissions shall pass orders afresh in accordance with law. In case the Joint Charity Commissioner decides to issue directions with regard to holding election, he would be free to nominate any other person as the election officer. Needless to state that ad hoc trustees would also be given notice of such application and they would abide by the terms that may be issued by Joint Charity Commissioner. Petition disposed of. In the light of disposal of this petition, C.A.Nos. (St).21194/04 & 8636-04 and 11023 of 2005 stand disposed of.

(S.C.DHARMADHIKARI, J)